

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:05CR3060
v.)	
)	
OCTAVIO DELVILLAR and FERNANDO)	
NUNEZ,)	ORDER
)	
Defendants.)	
)	

IT IS ORDERED:

1. The motion of counsel for defendant Delvillar to withdraw, filing 61, is granted, effective upon the filing of a certificate of service or affidavit indicating that defendant Delvillar has been served with a copy of this order.

2. The motion, filing 62, to seal counsel's brief in support of his motion to withdraw is granted and the clerk is directed to seal the brief.

3. Defendant is given ten (10) days from the date of this order in which to either: (1) obtain the services of substitute counsel and have that attorney file an appearance in his behalf or, (2) file a financial affidavit setting forth his present financial status, requesting the appointment of counsel.

4. The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between August 16, 2006 and September 18, 2006 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the defendant does not have an attorney. 18 U.S.C. § 3161(h)(8)(A) & (B).

5. This matter is removed from the trial calendar as to both defendants and will be rescheduled at a later date.

DATED this 16th day of August, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge